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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the combined fifth and sixth periodic reports of Greece

Addendum

Information received from Greece on follow-up to the concluding observations*

[5 June 2013]

Paragraph 10: (Ministry of Justice, Transparency and Human Rights)

1. Greece has not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). However, the process of submission of the relevant draft law to the Greek Parliament has already been initiated by the Greek Ministry of Justice, Transparency & Human Rights.

Paragraph 10: (Ministry of Public Order and Citizen Protection)

2. In relation to the issue of ill-treatment by state officials and public servants, we would like to remind (as already mentioned on May 2012) that L. 3938/2011 established an "Office for addressing instances of arbitrariness in the Ministry of Citizen Protection". The Office, directly subject to the Minister of Public Order and Citizen Protection, is responsible for collecting, recording, and further investigating cases of ill-treatment by the competent authorities or non-uniformed personnel of the I Hellenic Police, the Coast Guard and the Hellenic Fire Department.

Paragraph 13: (Ministry of Justice, Transparency and Human Rights)

3. During its recent visit (April 2013), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), confirmed the proper administration of the Detainees' Injuries Register, that was established by decision of the Special Secretary of the Greek Ministry of Justice Transparency & Human Rights (June 2011).

* The present document is being issued without formal editing.

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Paragraph 14: (Ministry of Justice, Transparency and Human Rights)

4. To improve and continuously enhance the penitentiary system and driven by the findings resulting from its supervisory activity in detention centers, as well as by developments and questions raised with regard to the penitentiary system, the Ministry of Justice, Transparency and Human Rights proceeded, in the year 2012, in the implementation of a set of coordinated interventions:

5. The capacity of the Penitentiaries in our country has increased, through the operation of an additional wing at the Central Macedonia Detention Center III (in Nigrita, Serres), where a total of three full wings operate, accommodating approx. 357 prisoners, thus significantly contributing to the decongestion of the other Penitentiaries. At the same time, the New Detention Center of Chania (accommodating 600 prisoners) was delivered, while the delivery and operation of the Detention Center of Drama (accommodating 600 prisoners), which has already been completed and only the construction of the biological purification facilities remains, will reduce overcrowding even more.

6. Furthermore, the decision of the Minister of Justice, Transparency and Human Rights no. 63021/11.7.2012 (Official Gazette vol. B 2124) further expanded the conditions required for the detention in rural detention centers and the Central Warehouse of Prison Hardware (K.A.Y.F.), so that a larger number of prisoners would benefit. In particular, the ban to transfer prisoners, serving sentences for violating drug laws, to rural detention centers was lifted. At the same time, the part of the sentence the prisoner is required to have served was reduced, while the provision for prior leave and compliance with its terms, for prisoners serving sentences of up to 5 years, has been abolished. Also, the provisions of paragraph 11, Article 40 of Law 4111/2013 (Official Gazette vol. A' 18/2013) provide for detention in closed sections of Rural Detention Centers for prisoners serving sentences of up to 10 years, provided there is sufficient space and the other. Centers are already overcrowded. The Ministry, recognizing the acute problem of providing health care services to the inmates of the country's Detention Centers and in order to meet, as far as possible, the requirements of the Correctional Code on the provision of health care services to prisoners, similar to those provided to the general population, proceeded - in cooperation with the Ministry of Health - to the enactment of paragraph 12, Article 16 of the Order dated 4/12/2012 (Law 4111/2013, Official Gazette vol. A' 18/2013), whereby paragraph "4" was added to Article 13 of Law 3772/2009 (Official Gazette vol. A' 2009), stating that "until the integration of the therapeutic Detention Centers in the National Health System is completed, the needs of the Detention Centers for medical and nursing services will be covered by the respective hospitals of the National Health System, under the responsibility of the competent Health Regions, as well as the mandatory provision of such services by the medical and nursing staff of the hospitals." In pursuance of the above provisions, doctors of various specializations from the National Health System "EOPYY" (National Organization for the Provision of Health Services) have already been placed in the Detention Centers of Korydallos, Patras, Central Macedonia III and Eleonas, Thebes for Women.

7. Moreover, the programs and activities plan in the fields of medical support, developed through the activation of volunteering of scientific, professional and umbrella organizations in all detention centers, throughout 2011, successfully continued in 2012, while three new Memoranda of Understanding were concluded for the provision of medical services to prisoners with the "G. Genimatas", "Agios Dimitrios, "Thessaloniki", "Sismanoglio" and "A. Fleming" Hospitals and the Internal Medicine, Medical Section, University of Patras.

8. Additionally, the Decision of the Minister of Justice, Transparency and Human Rights no. 64062/27.9.2012 formed a special legislative committee to suggest ways for implementing electronic surveillance, as a measure of procedural coercion, conditional

release and detainee leaves to decongest detention centers. House arrest, combined with electronic surveillance of accused and convicted persons is proposed to be introduced as a reliable intermediate option in the existing institutions of temporary detention and restrictive conditions, conditional release and prisoner leaves. It is estimated that this will lead to a reduction in the percentage of persons awaiting trial and a reduction in the actual time spent by prisoners in detention centers and, perhaps, even to an increase of prisoners on leave and those conditionally released. This Committee completed its work by submitting to the Minister of Justice, Transparency and Human Rights the draft law proposal, which is expected to be enacted by the Parliament.

9. At the same time, the Ministry of Justice, Transparency and Human Rights takes steps towards the broader and more effective implementation of the institution of community service, as an alternative way of serving a sentence. In this direction, it draws up the list of bodies participating in the institution of community service. Law 3904/10 modernized this institution and further strengthened the legislative framework for community service. The above list has been updated with the Joint Ministerial Decision no. 40830/12.11.2012 (Official Gazette vol. B 3009) and, already, community service may be offered to 232 bodies, particularly local authorities, public sector entities, non-profit charitable entities of private law, etc.

10. At the same time, Law 4139/2013 (Official Gazette vol. A' 74/2013) extends the beneficial institution of offering community services to prisoners convicted before the entry into force of the above relevant law (Law 3904/2010) and introduces favorable provisions for their release, subject to recall, of prisoners convicted to fixed-term sentences for violating drug laws. Also, Law 4043/2012 has allowed the release, subject to recall, of all convicted persons, if they were sentenced for three years and had served one-tenth of this time or if they were sentenced from three to five years and had served one- fifth of it. This measure applied also in the case of juvenile detainees. The validity of these favorable provisions for the decongestion of detention centers is extended until 30.6.2013 (par. 15, article 40, Law 4111/2013).

11. The modernizing interventions in the penitentiary system continue in 2013 with proposals of new legislation. The proposed interventions seek to effectively exercise the modern penitentiary policy, in the light of a broader alignment of living conditions in prison with the living conditions, in general. In this context existing provisions are amended and, in specific cases, new ones are added, reflecting the needs and demands of prisoners, as well as deriving from the obligations of our country to comply with the judgments of the European Court of Human Rights and the recommendations of other International Organizations. The Draft Law for the New Correctional Code, which is currently incorporating comments that have come up from the public consultation (estimated completion date of the revision: 15.10.2013), adjusts the corresponding legislation to the modern needs and developments, in order to make it more effective and harmonized with the contemporary social and correctional environment.

12. Finally, regarding the issue of staffing Detention Centers with guards and administrative personnel, it is shortly expected to employ 500 external guards and post a sufficient number of administrative personnel, under the provisions of case G.4, paragraph G, Article 1 of Law 4093/2012.

Paragraphs 14, 20: (Ministry of Public Order and Citizen Protection)

13. One of the basic priorities of the policy of the Ministry of Public Order and Citizen Protection as well as the Hellenic Police Headquarters, is the establishment of new standards, with regards to conditions in Centers, able to serve -based on the respect of human rights- the needs of reception and detention of irregular migrants who enter and/or stay illegally in the country. The lack of cooperation of consular authorities of countries of

origin where the migrants come from, is the reason why in some cases detention lasts for a few months.

14. No matter the financial difficulties that Greece faces, serious and remarkable efforts are taking place for the protection of human rights and other rights of detainees.

15. The establishment of Pre-Removal Centers has positively contributed to the following:

(i) To sharply increase the capacity of centers for detainees (this effort has positively contributed to our detection and prevention activities at all border services and immigration services in the inland as well);

(ii) To achieve a unified and smooth operation of Detention Centers, respecting the human rights of detainees;

(iii) To avoid detaining migrants who illegally entered and/or stay in the country at police stations but to Detention Centers which have the necessary infrastructure and specifications for a few months' detention;

(iv) To provide proper yard time and a program for relevant activities for the detainees;

(v) Accuracy to the recordings of detention and transportation of migrants;

(vi) Configuration of detention facilities (toilets, baths, etc.) in order to immediately cover the needs of detainees without any delays;

(vii) To provide constant presence of doctors in order to ensure the necessary medical care and psycho-social diagnosis and support by medical, healthcare and other staff coming from public sector or NGOs or other organizations.

16. The Internal Operational Regulation for Services for Guarding Detention Facilities of Migrants was compiled in March 2013, in order to achieve a unified and smooth operation of these centers as well as to manage in the best possible way the needs of the detained migrants.

17. Moreover, the reopening of the detention centers of the islands of Chios and Samos has been decided. Inside these centers, First Reception transitional units will be settled. The ordinary reconstruction works have finished and the centers have reopened according to the migratory flows.